

CHISMAN CREEK - 9/11/86 MINUTES OF
MEETING BETWEEN EPA REPRESENTATIVES AND STEWARDSHIP COMMITTEE

EPA: Meeting tonight to discuss concerns of the Stewardship Committee in regard to the comment period for the RI/FS. Want to know how EPA can help to prepare the comments. Felt the best thing would be to find out what issues the committee is having difficulty dealing with, ask questions of the EPA group, and bring the study to completion so that we can move ahead towards correction of the problem. The feasibility study is out and have submitted a preferred alternative which EPA believes is an appropriate remedy for the site. After comments are received from the FS and the recommended alternatives, and the State and EPA agree to a remedy, a Record of Decision is prepared. All comments received from the public are addressed. The ROD is signed by the regional administrator of EPA in Philadelphia and then distributed to people on the mailing list. The proposal for cleanup is submitted to the responsible party and they are given the chance to implement the remedy with EPA overseeing the work so that it is according to the ROD and selected alternative. If the responsible party does not agree to implement the remedy that has been selected, then EPA and the state will effect the remedy themselves. The state would provide 10% cost share and the federal government would provide 90%. It would go out to bid and a contractor would be selected and cleanup would be started. There has been a good amount of interest by VEPCO to do the work, but it will depend on what the ROD says. Completion of the RI/FS has been done. Would like comments which deal with the

CHISMAN CREEK - 9/11/86 MINUTES OF
MEETING BETWEEN EPA REPRESENTATIVES AND STEWARDSHIP COMMITTEE

recommendations and from those comments EPA will come up with a decision. There will be a public meeting held to get comments from the citizens.

Committee: This committee is only an advisory committee. The final decision will be made by the Board of Supervisors

Committee: Who in the state is involved with the ROD?

EPA: The Health Department has been working with EPA and the Department of Natural Resources.

Committee: Where does York County Board of Supervisors come in?
This committee is a function of that group.

EPA: EPA wants recommendations from local government and the community and responsible party input. Local government is not in the chain as far as decision making is concerned, but has a very important role in what they believe is correct or not correct with the state and EPA. EPA seeks guidance from them in making the ROD.

Committee: When the responsible party does not meet the requirement to implement the clean up, what happens?

EPA: The money comes from the trust fund, but EPA still tries to get the money back from the responsible party.

CHISMAN CREEK - 9/11/86 MINUTES OF
MEETING BETWEEN EPA REPRESENTATIVES AND STEWARDSHIP COMMITTEE

EPA: Under the CERCLA law which is on the books, the ability to tax has expired. The authority to do the clean up is still on the books. Reauthorization of superfund bill has been passed by both houses and conference committee has agreed on all issues but one, which is the tax issue. We hope to have a resolution by the beginning of October. If we do not get reauthorization, we will not have the ability to fund the next step, preparation of plans and specifications (remedial design). Can complete existing phases but cannot start new phases. Would give more time to deal with the responsible party.

Committee: We feel that this committee has to decide what recommendation to make to the Board of Supervisors. Would like a review of the well monitoring.

Committee: At what point does the state become committed to the clean up?

EPA: Occurs when plans and specifications are complete and ready to select a contractor to do the clean up. Prior to that time, EPA signs a contract with the state of Virginia to arrange for the money to be paid. (6-9 months) There are ways an agreement can be reached between EPA and the responsible party. They are:
(1) Cash Out - responsible party agrees to fund a certain amount of money as its share of clean up costs and EPA and the state would implement the clean up as per the ROD.

CHISMAN CREEK - 9/11/86 MINUTES OF
MEETING BETWEEN EPA REPRESENTATIVES AND STEWARDSHIP COMMITTEE

(2) Pre-authorized Responsibility - Agency authorizes the responsible party to do the work but recognizes some shared responsibility by the responsible party that has agreed to do it and those that have not agreed to do it. EPA would fund a certain share. (3) Mixed Work - Phases can be done by responsible party and phases can be done by EPA. Can only be done for very distinct phases of the project.

The agency will judge from the comments as to whether or not they have enough information to select a remedy. The possibility exists that certain phases cannot be decided on right now. We are most concerned about pits A, B and C. On A & B, EPA and the responsible party are agreed on selection of clean up.

Committee: Could those be corrected and C decided on later?

EPA: EPA would negotiate with VEPCO. Would address those details that might call for alternative suggestions by the committee, don't want to get bogged down with a lot of questions right now. The revised RI will be ready by next week.

Passed out a packet of information and explained it to the Stewardship Committee members.

Six different options: (1) No action other than monitoring in the future. (2) Option for pits A & B - Put soil cap over the pits which include soil, top soil, and vegetative layer, ask the county to put land use controls on the pits so they are not used in the future, supply alternate water to people affected

AR500060

If the page filmed in this frame is not as readable or legible as this label, it is due to substandard color or condition of the original page.

CHISMAN CREEK - 9/11/86 MINUTES OF
MEETING BETWEEN EPA REPRESENTATIVES AND STEWARDSHIP COMMITTEE

contamination in drinking wells or potential contamination. Also would monitor around this area in the future. (4) Remedy chosen for pit C - Low permeable cap - clay layer and soil layer. Also would be a perimeter drain on the west, south and east side of the pit to intercept ground water before it came in contact with the pit. Would transport the water to Chisman Creek tributary. Would have to treat the ground water for a year. In addition, would also have same requirements as option 2, land use control, alternate water supply and ground water monitoring. Have not designed the monitoring program yet.

Committee: Who owns the property once clean up or correction of the problem is done?

EPA: Property does not change hands unless the owner decides to sell it. EPA does not become the owner of the property. The state would insure the land use restrictions. There has been some mention by the county of using the land for recreational use. EPA does not want any disturbance of the site because it would destroy the cap. The integrity of the cap must be preserved. There has to be limited usage of the site.

Committee: Who enforces the limited usage? Who is responsible if someone is injured because of the fence?

EPA: The purpose of the fence is to prevent unintentional access. The operation and maintenance of the site will be the state's responsibility if funded out of the state's fund.

Liability is still with the property ownership.

CHISMAN CREEK - 9/11/86 MINUTES OF
MEETING BETWEEN EPA REPRESENTATIVES AND STEWARDSHIP COMMITTEE

Committee: What kind of uses are acceptable in the eyes of EPA?

EPA: Any use that would not affect the integrity of the caps at the site, not affect the state's ability to monitor the wells, and there could be no use of the ground water in the area which would affect the public health. EPA will tell the state what we believe would affect the integrity of the land. EPA will not buy Superfund property, will arrange for clean up but will not buy the property. The local government can submit their suggestions for use of the property. EPA does not condemn the land. There are no restrictions on local government to contribute funds to improve the property so as to allow for some future use.

Superfund money will not be used for anything other than to affect the remedy - no additional money to fund future use of the land. All the home owners have been notified that they are potential responsible parties.

Committee: VEPCO does not want to see fences on the property.

Would rather see some use of the property.

EPA: If you do not believe a fence is necessary, you should send a letter to EPA stating that and why you don't believe it necessary. EPA may change its mind.

Committee: VEPCO wants to see a solution to the property that would make it usable.

EPA: You only have to do whatever is necessary to meet what EPA feels has to be done.

AR500062

CHISMAN CREEK - 9/11/86 MINUTES OF
MEETING BETWEEN EPA REPRESENTATIVES AND STEWARDSHIP COMMITTEE

EPA: Getting back to the options, (3) Access restrictions, low permeable cap, construction of a slurry wall around each of the pits. Dig a ditch around the pit and backfill with cement mixture. This makes the perimeter of the pits untouchable.

(5) Excavate all pits and remove the fly ash to off-site disposal - could create a problem digging up the fly ash.

(6) Access restrictions, innovative technique - if fly ash is in place, stabilize it and solidify. Would not guarantee that it would solve the problem, has not been proven to be an effective remedy. Found that drilling by any of these pits will bring up contaminated water. In monitoring wells by pit C, EPA is finding vanadium and nickel above ambient water quality.

Committee: Does it make any difference if vanadium and nickel get into Chisman Creek? What happens if it migrates into that area?

EPA: We are only talking about actions that will be taken at the site right now. This would be addressed at a later time.

Committee: What if someone gets sick from leachate from one of the pits?

EPA: You could sue the responsible party.

EPA: We have costed this out on a very conservative basis. Feel it would be successful to dry out the pits.

CHISMAN CREEK - 9/11/86 MINUTES OF
MEETING BETWEEN EPA REPRESENTATIVES AND STEWARDSHIP COMMITTEE

The Committee and EPA representatives then discussed the effectiveness of digging a drain on three sides of the pit.

EPA: We feel the combination of the drain and the cap will work for dewatering pit C.

Committee: The studies have gone on during dry periods. You haven't really seen the pits during wet periods.

EPA: Regarding the vegetative cover, we wouldn't want certain types of vegetation. This has been included in the design. Would propose what type of vegetation should be used for cover that would not have an impact on the cap. We want to be sure we are maintaining the integrity of the cap. This will be addressed at the time of design.

EPA would like to hold a public meeting sometime next week for the purpose of information assimilation. The Stewardship Committee feels they would like to have more time to have a private meeting with VEPCO and then hold the public meeting. This committee is supposed to go to the Board of Supervisors with their recommendations and would like the opportunity to do this before holding the public meeting.

EPA: We will not hold the public meeting if the officials do not feel they are ready, but we don't feel the officials have to have their comments ready for this meeting. We do not want to see the

AR500064

CHISMAN CREEK - 9/11/86 MINUTES OF
MEETING BETWEEN EPA REPRESENTATIVES AND STEWARDSHIP COMMITTEE

relationship we have between EPA and this committee ruined by trying to get the public meeting held. EPA is only concerned that the new law may require a significant delay in the ability to prepare the ROD, which is why we would like to have the public meeting as soon as possible and get the comment period closed.

One question EPA thinks people will have is why there has been a different recommendation for pit C. Want people to understand that EPA feels their recommendation is the appropriate remedy for pit C.

Committee: Is there a process for reparation for a Superfund site when it is on your property?

EPA: Congress feels there is only enough money to clean up the sites.

At this time the Committee decided to hold a special meeting to decide on a date for the public meeting.

It was reported the next morning that the date for the public meeting will be Monday, September 22, 1986.

Recorded - D. Vukich, CH2M HILL

AR500065

If the page filmed in this frame is not as readable or legible as this label, it is due to substandard color or condition of the original page.

Comments on EPA's Chisman Creek Fly Ash Feasibility Study - Dr. Huggett

- P. 3-11, para. 6, Results: The blank concentrations are such that these data are meaningless. It is probable these compounds came from the analytical lab, not the environment--this report says as much.
- P. 3-19, table 3-6: What is good agreement? Within 10% at the 90% level?
- P. 3-20, para. 2: Does this mean that all the residential well data are worthless? Because unfiltered?
- Page 4-2, Inorganics: This paragraph is naive and basically wrong for trace metals. It ignores adsorption.
- Page 5-24, Nickel: One can't scientifically justify this paragraph because of the suspect data. See Table 5-8, pages 5-20. 15/11/6 - MGL
- B-2, para. 4: Cadmium is adsorbed not absorbed.

General: I have a great deal of difficulty in accepting the conclusions relative to nickel downgradient of pit c because, as the report states, the analyses are suspect. EPA must reevaluate their conclusions. I recommend that they go back and throw out all suspect data, including those with interferences, and then make conclusions.

One can't tell whether nickel is a problem, but since a flag has been raised, more water samples need to be analyzed before determining the proper remedial alternative.

Dr. Robert Huggett
VIMS

called
on 9-16:
Will be
back on
Monday
Sept 22

23062
100-100-7236

AR500066